IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

CIVIL APPLICATION NO.1691 OF 2007
IN
WRIT PETITION NO. 7802 OF 2006

Pawankumar Jyotiprasad Agarwal & ors... Petitioner

versus

The Pimpri Chinchwad Municipal
Corporation & ors. ..... Respondent.

Shri S.M.Gorwadkar for the petitioners
Shri N.V.Walawalkar for respondent no.1
Shri C.R. Sonawane AGP for Respondents 2 and 3.

CORAM; A.P. DESHPANDE, J.
DATED; 9TH JULY, 2007

P.C.;

1. This civil application has been moved in a disposed of writ petition bearing No. 7802/06. The applicants herein are the persons who has been served with the notice under section 53 and 56 of MRTP Act. The removal of the unauthorised structure by the side of the National Highway is demanded by the Corporation. Aggrieved by the said notices, the applicants filed a civil suit for declaration and injunction and in the said suit filed an application for temporary injunction. The trial court rejected the temporary injunction application as primafacie the court was convinced that the applicant's structure, by the side of the national highway were unauthorised. Having held that no primafacie case has made out, application came to be rejected. Aggrieved by the

said order, a Misc. civil appeal came to be filed before the District court and the District Court has concurring with the view taken by the lower court rejected the same.

2. Aggrieved thereby the present writ petitions came to be filed. The applicants have chosen to withdraw the writ petitions. However, this court granted limited protection to the applicants that the notice of demolition shall not be enforced till 30-6-2007. with a view to seek further extension the present Civil Application has been filed.

3. The learned counsel for the applicants has submitted that on a representation made by the applicants, proceedings under section 37 of the MRTP Act are initiated and hence till the said proceedings came to an end the statusquo need to be continued. The prayer for extension in the facts of the case cannot be granted. Hence Civil Application is rejected. The learned counsel for the applicant states that the applicants have already filed a writ petition before the Division Bench bearing W.P.St. No. 14637/07 calling in question the legality and validity of the order passed by the State Government rejecting the request made by the applicant for change of alignment of the national highway. Hence civil

application is rejected.

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